

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

IN RE:)	
)	
TONY A. DURANCE,)	CHAPTER 13 BANKRUPTCY
RHONDA K. DURANCE,)	CASE NO. 93-50493
)	
DEBTORS)	

ORDER

Debtors have filed a Motion To Approve Settlement And Distribution Of Funds Of Debtor's Worker's Compensation Case After The Fact. The motion reflects that Debtor suffered an allegedly work related injury on July 23, 1992. Debtor was represented in the worker's compensation case by the law firm of Johnson & Krider. On October 30, 1995, Ms. Krider separated from Ms. Johnson and relocated her office to another site in Brunswick, Georgia. Ms. Krider took the firm's worker's compensation file with her when she moved from her office.

This Chapter 13 case was filed on September 29, 1993. On about February 5, 1996, Ms. Krider settled the Debtor's worker's compensation case without advising Debtor's bankruptcy counsel, Ms. Johnson, and without receiving approval from this Court.

After the settlement, Ms. Krider disbursed to Debtor a settlement check in the amount of \$14,586.73. Ms. Krider disbursed to herself a separate check for attorney's fees in the amount of \$5,319.23. Debtor's bankruptcy counsel, Ms. Johnson, is not in possession of any funds concerning the worker's compensation case.

This matter was brought to the Court's attention following the Motion To Dismiss filed by the Chapter 13 trustee on March 7, 1996. Thereafter Debtor contacted bankruptcy counsel, Ms. Johnson, and requested that the matter of approval of the settlement be addressed along with a response to the Chapter 13 trustee's Motion To Dismiss.

At the hearing held in response to Debtor's motion to approve the settlement, it appeared that neither the Debtors nor Ms. Johnson believe that the settlement was in the Debtors' best interest. Ms. Johnson stated at the hearing that she was unable to obtain any cooperation from Ms. Krider in connection with the preparation and presentation of the motion to approve the settlement. This order will remedy that problem.

Now, therefore it is hereby

ORDERED that the hearing on the motion to approve the settlement is continued to **May 21, 1996** at **2:00 o'clock** in the United States Bankruptcy Court, **Waycross**, Georgia; and it is hereby further

ORDERED that Karen Krider, the Debtors' worker's compensation attorney, personally attend that hearing for the purpose of assisting the Debtors in urging the motion to approve the settlement of the worker's compensation case; and it is hereby further

ORDERED that in the event Ms. Krider fails to attend that hearing, that a further order will be entered requiring that she immediately disgorge all attorney's fees paid to her by the

Debtors as compensation for her representation of the Debtors in the worker's compensation case; and it is hereby further

ORDERED that in the event Ms. Krider appears as required by this order, that the matter of the approval of the settlement of the worker's compensation case and the payment of the attorney's fees to Ms. Krider will be considered for approval.

Dated this _____ day of May, 1996.

JAMES D. WALKER, JR., Judge
United States Bankruptcy Court

CERTIFICATE OF SERVICE

I, Cheryl L. Spilman, certify that a copy of the attached and foregoing was mailed to the following:

Evelyn Johnson
Attorney At Law
1803 1/2 Norwich Street
P. O. Box 997
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Tony A. Durance
Rhonda K. Durance
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Sylvia Ford Brown
Chapter 13 Trustee
P. O. Box 10556
Savannah, GA 31412

U.S. Trustee
P. O. Box 10487
Savannah, GA 31412

This _____ day of May, 1996.

Cheryl L. Spilman
Deputy Clerk
United States Bankruptcy Court